

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

LUANN THOMAS,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:21-cv-03288
	:	
BRANDYWINE HOSPITAL, LLC and	:	
TOWER HEALTH,	:	
Defendants.	:	

ORDER

AND NOW, this 14th day of December, 2021, upon consideration of Defendants' Motion to Dismiss for Failure to State a Claim, ECF No. 9, Plaintiff's response thereto, ECF No. 10, Defendants' reply in support of its motion, ECF No. 11, and for the reasons set forth in the Court's Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. Defendants' motion, ECF No. 9, is **GRANTED in part and DENIED in part** as follows:
 - a. Plaintiff's claims in Count I, which includes (1) disability-based Discrimination under the ADA, (2) Retaliation under the ADA, and (3) Hostile Work Environment under the ADA, are **DISMISSED without prejudice**.
 - b. Plaintiff's claim in Count II for Interference under the FMLA is **DISMISSED without prejudice**.
 - c. Plaintiff's claim in Count II for Retaliation under the FMLA may proceed as pleaded.

2. **Within fourteen (14) days of the date of this Order**, Plaintiff may, consistent with the Court's Opinion, file an amended complaint.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge